

California Emergency Management Agency



FY 2009-10 California Transit Security Grant Program Regional Public Waterborne Transit (CTSGP-RPWT)

Program Guidelines and Application Kit

Draft – December 17, 2009

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The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 (Proposition 1B)

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 07, 2006 general election, authorizes the issuance of nineteen billion nine hundred twenty five million dollars (\$19,925,000,000) in general obligation bonds for specified purposes, including grants for transit system safety, security and disaster response projects.

Transit System Safety, Security and Disaster Response Account

Section 8879.23 of the California Government Code creates the Highway Safety, Traffic Reduction, Air Quality and Port Security Fund of 2006 in the State Treasury. Section 8879.23 (h) directs that one billion dollars (\$1,000,000,000) be deposited in the Transit System Safety, Security and Disaster Response Account.

Senate Bill 88

Senate Bill 88 (SB 88) was signed by the Governor and chaptered into law on August 24, 2007. SB 88 implements the provisions of the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006.

http://leginfo.ca.gov/pub/07-08/bill/sen/sb_0051-0100/sb_88_bill_20070824_chaptered.pdf

FY 2009-10 California Transit Security Grant Program, Regional Public Waterborne Transit

The program guidelines and application kit will provide eligible applicants with the guidance, information and documents necessary to participate in the FY 2009-10 California Transit Security Grant Program (CTSGP), Regional Public Waterborne Transit (RPWT) administered by the California Emergency Management Agency (Cal EMA).

The Program Guidelines may be obtained at:

<http://www.CalEMA.ca.gov/WebPage/oeswebsite.nsf/OESBranchContentPortal?ReadForm&type=Transit%20Security&look=Grant%20Management&Div=Homeland+Security&Branch=Grant%20ManagementTransit%20Security>

NOTE: The FY 2009-10 CTSGP-RPWT Guidance is a living document and is subject to change. Changes will be announced through the issuance of **Grant Management Memorandums** (GMMs).

GMMs may be obtained at:

http://www.ohs.ca.gov/grants_management_memo.html

Funds Available

Funds appropriated for the FY 2009-10 CTSGP-RPWT is twenty five million dollars (projects will be subject to available bond funding).

Eligible Recipients

Pursuant to section 66540.8 set forth in SB 976 the Water Emergency Transit Authority (WETA) shall have the power to apply for, receive and expend funds for public transportation ferries and related facilities and services, and emergency water transportation for disaster recovery within the bay area region. WETA shall be entitled to receive and shall be disbursed funds under subdivision (b) of Section 8879.57 that would have been allocated to any other waterborne transit agency that, as of the effective date of that section would not be or have been eligible to receive State Transit Assistance Funds but for the effect of this act. WETA may further allocate funds received from Cal EMA pursuant to this program to other public entities for eligible capital expenditures as outlined below.

Eligible Expenditures

Eligible activities include the following:

- (A) A capital project that provides increased protection against a security or safety threat, including, but not limited to the following:
 - 1) Construction or renovation projects that are designed to enhance the security of public transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.
 - 2) Explosive device mitigation and remediation equipment.
 - 3) Chemical, biological, radiological and nuclear explosives search, rescue or response equipment.
 - 4) Interoperable communications equipment.
 - 5) Physical security enhancement equipment.
 - 6) The installation of fencing, barriers, gates or related security enhancements that are designed to improve the physical security of transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.
 - 7) Other security and safety related projects approved by Cal EMA.
- (B) A capital project that increases the capacity of transit operators to prepare for disaster-response transportation systems that can move people, goods, emergency personnel and equipment in the aftermath of a disaster.

- (C) Other allowable costs under California Government Code 16727 (a) include costs directly related to construction or acquisition, including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, required mitigation expenses, appraisals, legal expenses, site acquisitions, and necessary easements.

NOTE: Management and Administration costs are not allowable for Prop 1B funds.

Grant Performance Period

Entities receiving an allocation of funds shall expend those funds within three fiscal years of the fiscal year in which the funds were allocated. Funds allocated during the fiscal year which ends June 30, 2010, shall expend those funds no later than March 31, 2013. Funds remaining unexpended thereafter shall revert to Cal EMA, as applicable, for reallocation in subsequent fiscal years. In no case will a grant performance period exceed three years.

General Provisions

WETA will nominate projects for funding to CAL EMA for approval. CAL EMA will not approve project fund allocations for any project until the recipient agency provides a project funding plan that demonstrates that the funds are expected to be reasonably available and sufficient to complete the project.

(A recipient agency is either WETA or the public entity to, whom a suballocation has been awarded). CAL EMA will approve funding for useable project segments only if the benefits associated with each individual segment are sufficient to meet the objectives of the program from which the individual segment is funded.

The grantee agency must:

- (A) Provide for the audit of project expenditures and outcomes.
- (B) Identify the useful life of the project as part of the project nomination process.
- (C) Identify project delivery milestones, including, but not limited to; start and completion dates for environmental clearance, land acquisition, design, and construction bid award, construction completion, and project closeout, as applicable.
- (D) Report, on a semiannual basis, on the activities and progress made toward implementation of the project.
- (E) If it is anticipated that project costs will exceed the approved project budget, the grantee agency shall provide a plan to Cal EMA for achieving the benefits of the project by either down-scoping the project to remain within budget or by identifying an alternative funding source to meet the cost overage. The administrative agency may either approve the corrective plan or direct the grantee agency to modify its plan.

(F) Within six months of the project becoming operable, the grantee agency shall provide a report on the final costs of the project as compared to the approved project budget, the project duration as compared to the original project schedule as of the date of allocation, and performance outcomes derived from the project compared to those described in the original application for funding.

(G) Entities that receive grant awards from funds allocated pursuant to subdivisions (b) or (c) of Section 8879.57 are not eligible to receive awards from the funds allocated pursuant to subdivision (a) of Section 8879.57.

Cal EMA Contact Information

All application materials, related questions, comments and correspondence should be directed to the address below:

California Emergency Management Agency
Grants Management Division
Attn: Transit Security Grant Unit
3650 Schriever Avenue
Mather, California 95655

Main Phone Line: (916) 845-8510
Fax: (916) 322-9503

Cal EMA TSGU

Cal EMA regional program representatives may be located on the Transit Security Grant Program - Regional Representative Contact map at:

<http://www.calema.ca.gov/WebPage/oeswebsite.nsf/OESBranchContentPortal?ReadForm&type=Transit%20Security&look=Grant%20Management&Div=Homeland+Security&Branch=Grant%20ManagementTransit%20Security>

Jason D. Peery, Program Representative
Email: jason.peery@calema.ca.gov
Direct Line: (916) 324-5947

Cal EMA Website

As the administrative agency for the CTS GP-RPWT, Cal EMA will issue program guidelines, grant management memorandums, conduct grant management workshops, training sessions, meetings, working groups, and site visits. Information regarding these activities will be communicated to program participants and the public on the Cal EMA website, located at: <http://www.calema.ca.gov>.

Project Funding Plan Approval Process

Projects submitted for funding will be reviewed and approved in two phases.

Phase 1

Eligible applicants may submit IJ by the assigned deadline. WETA will meet to evaluate the IJ and make recommendations to CAL EMA. CAL EMA will review the recommendations and make final funding decisions.

The IJ must be submitted on the template (Appendix B). The IJ will include the following sections:

- (A) Project Name
- (B) Project Description and Deliverables (must illustrate physical components of the project)
 - 1) Proposed schedule for the project's completion.
- (C) Project Justification
 - 1) How project reduces identified vulnerabilities and buys down risk.
 - 2) The impact of not funding the project.
 - 3) How will this project assist emergency response or increase protection against a security threat?
- (D) Project Full Cost or Budget (include scalability options, if applicable)
 - 1) Identify all non bond sources of funding committed to the project.
- (E) The useful life of the project shall not be less than the required useful life for capital assets specified in Subdivision (a) of Section 16727.
 - 1) Identify the useful life of the project.

Phase 2

Upon final project approval, recipient agencies will receive a formal notice of approval from the CAL EMA. The notice of approval will include project milestones, audit requirements, program monitoring requirements, reporting requirements and direction to complete the CAL EMA Financial Management Forms Workbook (FMFW). This can be found at:
http://www.ohs.ca.gov/grants_tools.html.

Document Submittal

Completed IJ funding plans are accepted on a continuous basis and must be submitted electronically to Prop1B@ohs.ca.gov. Additional information will be requested or accepted from the grantee at the sole discretion of Cal EMA. All documents requiring original signatures must be mailed directly to Cal EMA at:

California Emergency Management Agency
Grants Management Division
Attn: Transit Security Grant Unit
3650 Schriever Avenue
Mather, California 95655

Notification of Project Approval

Upon final project approval, grantee agencies will be issued a conditional award letter. Upon receipt of the conditional award letter the agency has up to **SIX WEEKS** to complete and submit all supporting application documents. The notice of approval will include project milestones, audit requirements, program monitoring requirements, reporting requirements and direction to complete the Cal EMA Financial Management Forms Workbook (FMFW). Only applications postmarked by the due date will be accepted. Applications lost in transit are the responsibility of the applicant and will not be considered for this cycle of funding.

The FMFW may be obtained at:

<http://www.calema.ca.gov/WebPage/oeswebsite.nsf/OESBranchContentPortal?ReadForm&type=Fiscal%20and%20Reporting&look=Grant%20Management&Div=Homeland+Security&Branch=Grant%20ManagementFiscal%20and%20Reporting>

Required Application Components

A completed project funding plan will include all of the following components:

- A completed Cal EMA FMFW submitted electronically via Prop1B@ohs.ca.gov, including:
 - Application Cover Sheet
 - Grant Management Roster
 - Project Descriptions
 - Investment Justification - Goals and Objectives
 - Project Description
 - Project Ledger
 - Equipment Inventory Ledger
 - Authorized Equipment List (AEL) numbers (if used) found on the web at <http://www.rkb.us>
 - Authorized Agent (AA) page with appropriate signatures

- Authorized Agent Form (Appendix C) Submitted electronically via Prop1B@ohs.ca.gov and submitted hard copy with AA's wet signature via mail.
- Certified Copy of the Governing Body Resolution (Appendix D) Submitted electronically via Prop1B@ohs.ca.gov and submitted hard copy with AA's wet signature via mail.
- Signed Original Grant Assurances (Appendix E) Submitted electronically via Prop1B@ohs.ca.gov and submitted hard copy with AA's wet signature via mail.

Documents requiring an original signature will need to be mailed in hardcopy. [Signatures will need to be in blue ink only.](#)

Late or Incomplete Applications

All projects with incomplete applications will have the award revert back to the Transit System, Safety, and Disaster Response Account. Agencies will have the opportunity to reapply for the FY 2009-10 awards during the following year's grant cycle. The performance period for unused FY 2009-10 funds will not change, and will end March 31, 2013.

Governing Body Resolution

The *Governing Body Resolution* appoints agents authorized to execute any actions necessary for each application. Applications for projects seeking funds allocated pursuant to Gov Code § 8879.58(b)(3) and Gov Code § 8879.58(b)(2) will require a Governing Body Resolution.

NOTE: All applicants will be required to submit a certified copy of a new Governing Body Resolution for the FY 2009-10 CTSGP-RPWT Grant. A sample Resolution can be found in Appendix D.

Grant Assurances

The *Grant Assurances* list the requirements to which the grantee will be held accountable. All applicants will be required to submit new Grant Assurances.

NOTE: Self-created assurance forms will not be accepted. The Grant Assurances can be found in Appendix E.

SECTION 3 – POST AWARD REQUIREMENTS

Post Award Modifications

Post-award budget scope and time modifications must be requested using the Cal EMA FMFW, signed by the grantee's authorized agent, and submitted to the grantee's program representative in the TSGU at Cal EMA. The grantee may implement the modifications, and incur associated expenses, only after receiving written final approval of the modification from Cal EMA.

NOTE: Modifications can be requested once per quarter during the performance period. Failure to submit modification requests, and receive written approval, prior to the expenditure of funds could result in a reduction or disallowance of a cost incurred by the grantee agency.

Payment Request Process

To request reimbursement payment of FY 2009-10 CTSGP-RPWT funds, complete a payment request form using the Cal EMA FMFW and return it to the appropriate program Representative in the TSGU at the Cal EMA.

Note: Payments can only be made if the grantee has an approved application, valid Authorized Agent form, valid Governing Body Resolution form, and valid Grant Assurances form.

Grantee Performance Reports

Twice a year, grantees must prepare and submit performance reports to Cal EMA, TSGU, for the duration of the grantee performance period, or until all grant activities are completed and the grant is formally closed. The required forms are attached as Appendix F. Grantees must complete and submit the required reports using the Prop1B@ohs.ca.gov. *The performance period from October 1st through March 31st will have a report due on April 30th and the performance period from April 1st through September 30th will have a report due on October 31st.*

Failure to Submit Required Reports

Periodic reporting is required by the grant. Subgrantees who miss a single reporting deadline may receive a letter informing them of the failure to report and a "hold" may be placed on any future reimbursements.

Monitoring Grantee Performance

The state conducts regular monitoring. The monitoring will be conducted on the grantee's administrative, programmatic and fiscal management of the grants.

NOTE: It is the responsibility of all grantees to monitor and audit the grant activities of their subgrantees, including onsite verification of grant activities as required.

These reviews may include, but are not limited to the following:

- 1) Eligibility of expenditures.
- 2) Comparing actual activities to those approved in the IJ application and subsequent modifications, if any.
- 3) Confirming compliance with:
 - a. Grant assurances
 - b. Information provided on performance reports and payment requests
 - c. Needs and threat assessments and strategies

Suspension and Termination

The state may suspend or terminate funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- 1) Failing to expend funds in a timely manner consistent with the milestones, guidance and assurances.
- 2) Failing to comply with the requirements or statutory objectives of federal or state law.
- 3) Failing to make satisfactory progress toward the goals or objectives of federal or state law.
- 4) Failing to make satisfactory progress toward the goals or objectives set forth in the application.
- 5) Failing to follow agreement requirements or special conditions.
- 6) Proposing or implementing substantial plan changes to the extent that, if originally submitted, the proposed project would not have been approved for funding.
- 7) Failing to submit required reports.
- 8) Filing a false certification in the application or other report or document.
- 9) Failing to adequately manage, monitor or direct the funding activities of their subgrantees.

Before taking action, the state will provide the grantee reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

Final Project Report

Within six months of a project becoming operable, the grantee agency shall provide a report to Cal EMA comparing the final cost of the project to the approved project budget, the project duration as compared to the original project schedule from the date of allocation, and performance outcomes derived from the project compared to those described in the original application for funding. Cal EMA will forward the report to the Department of Finance (DOF) by means approved by the DOF.

Closeout

The State will close a subgrantee award after:

- Receiving a Final Project Report (Appendix F) indicating that all approved work has been completed, and all funds have been disbursed;
- Completing a review to confirm the accuracy of reported information;
- Reconciling actual costs to awards, modifications and payments.

If the closeout review and reconciliation indicates that the subgrantee:

- is owed additional funds, the State will send the final payment automatically to the grantee.
- did not use all funds received, the state will issue an Invoice or Grant Modification letter to recover unused funds.

In the Grant Closeout Letter the State will notify the grantee of the start of the record retention period for all programmatic and financial grant related records.

Note: Failure to maintain all grant records for the required retention period could result in a reduction of eligible grant activities, and an invoice to return costs associated with the unsupported activities.

SECTION 4 – APPENDICES

- A. FY 2009-10 CTSGP-RPWT Timeline
- B. Investment Justification Template
- C. Authorized Agent
- D. Governing Body Resolution
- E. Grant Assurances
- F. Performance Report Template

APPENDIX A – FY 2009-10 CTS GP-RPWT Timeline

Draft Guidelines and Application Kit issued	December 17, 2009
Public Meeting	January 2010
Final Guidelines and Application Kit issued	January 11, 2010
Investment Justification submittal period begins	January 11, 2010
Investment Justification submittal period ends	February 22, 2010
WETA Project Review and Nomination	February 2010
CAL EMA Project Selection	March 22, 2010
Award Letter	March 22, 2010
CAL EMA Financial Management Form Workbook submittal period begin	March 22, 2010
CAL EMA Financial Management Form Workbook submittal ends	May 03, 2010
FY 2009-10 Grantee Performance Period ends	March 31, 2013

APPENDIX B – Investment Justification Template

(Required Font - New Times Roman - 10)

Investment Heading	
Date	
State	
County	
Agency Name	
Investment Name	
Investment Phase	
Investment Amount (2009-10 Prop 1B)	Total \$

I.A. Identify the transit agency and that agency's point(s) of contact for this investment.		
Response Type	Narrative	
Page Limit	Not to exceed ½ page	
Response Instructions	<p>For the transit agency (or lead agency) undertaking the investment, identify the following:</p> <ul style="list-style-type: none"> • Point of contact's (POC) name and title; • POC's full mailing address; • POC's telephone number; • POC's fax number; • POC's email address; • and, also include the corresponding information for the authorizing official for your organization—i.e., the individual authorized to sign a grant award. 	
Response	POC's name and title; Full mailing address; Telephone number; Fax number; Email address	Authorized Agent's name and title; Full mailing address; Telephone number; Fax number; Email address

I.B. Describe the operating system for the transit agency undertaking this investment.	
Response Type	Narrative
Page Limit	Not to exceed 2 pages
Response Instructions	<p>For the transit agency (or lead agency) undertaking this investment, describe the following:</p> <ul style="list-style-type: none"> • Infrastructure; • Ridership data; • Number of passenger miles; • Number of vehicles; • Types of service and other important features; • System map; • Geographical borders of the system and the cities and counties served; and, • Other sources of funding being leveraged for security enhancements.
Response	

II.A. Provide a brief abstract for this investment.	
Response Type	Narrative
Page Limit	Not to exceed 1 page
Response Instructions	Provide a succinct statement summarizing this investment.
Response	

II.B. Describe how this investment specifically addresses one or more of the transit security fundamentals identified in the FY 2009-10 (CTSGP-RPWT) Guidance	
Response Type	Narrative
Page Limit	Not to exceed ½ page
Response Instructions	<p>Describe how the investment addresses one or more of the following:</p> <p>A. Capital Projects:</p> <ul style="list-style-type: none"> • Construction or renovation projects that are designed to enhance the security of public transit stations, tunnels, guide-ways, elevated structures or other transit facilities and equipment. • Explosive device mitigation and remediation equipment. • Chemical, biological, radiological and nuclear explosive search, rescue or response equipment. • Interoperable communications equipment. • Physical security enhancement equipment. • The installation of fencing, barriers, gates or related security enhancements that are designed to improve the physical security of transit stations, tunnels, guide-ways, elevated structures or other transit facilities and equipment. • Other security related projects approved by the California Emergency Management Agency (Cal EMA). <p>B. Capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment in the aftermath of a disaster impairing the mobility of goods, people, and equipment.</p>
Response	

II.C. Describe how the investment will achieve the safety, security, or emergency response benefit.	
Response Type	Narrative
Page Limit	Not to exceed ½ page
Response Instructions	Describe how the investment will address the safety, security, or emergency response benefit.
Response:	

II.D. Describe how this investment specifically meets the useful life for capital assets specified in subdivision (a) of section 16727.

Response Type	Narrative
Page Limit	Not to exceed ½ page
Response Instructions	<p>Describe how the investment addresses the following tangible physical properties:</p> <ul style="list-style-type: none"> • An expected useful life of 15 years or more. • Property with an expected useful life of 10 to 15 years, but these costs may not exceed 10 percent of the bond proceeds net of all issuance costs. • Include major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the capital asset. • Equipment with an expected useful life of two years or more.
Response	

III.A. Investment Funding Plan

Response Type	Narrative		
Page Limit	Not to exceed 1 page		
Response Instructions	<ul style="list-style-type: none"> • Include a narrative response below certifying how the cost share requirement will be met, where applicable. • Complete the chart below to identify the amount of funding being requested for this investment only; • Funds should be requested by allowable cost categories (planning or equipment); • Applicants must make funding requests that are reasonable and justified by direct linkages to activities outlined in this particular investment; and, <p>Applicants must indicate whether additional funding (non FY 2009-10 CTSGP-RPWT) will be leveraged for this investment.</p>		
Response	FY 2009-10 RPWT Request Total 8879.58(a)(2) 8879.58(a)(3)	Other Funding Sources Applied (including cost share required)	Grand Total
Equipment			
Construction			
Total			

III.B. Provide a high-level timeline, milestones and dates, for the implementation of this investment. Possible areas for inclusion are: stakeholder engagement, planning, major acquisitions/purchases, training, exercises, and process/policy updates. Up to 10 milestones may be provided.

Response Type	Narrative
Page Limit	Not to exceed 1 page
Response Instructions	<ul style="list-style-type: none"> • Only include major milestones that are critical to the success of the investment; • While up to 10 milestones may be provided, applicants should only list as many milestones as necessary; • Milestones are for this discrete investment - those that are covered by the requested FY 2009-10 CTSGP-RPWT funds and will be completed over the 36 month performance period; • Milestones should be kept to high-level, major tasks that will need to occur; • Identify the planned start date associated with the identified milestone. The start date should reflect the date at which the earliest action will be taken to start achieving the milestone; • Identify the planned completion date when all actions related to the milestone will be completed and overall milestone outcome is met; and, • List any relevant information that will be critical to the successful completion of the milestone (such as those examples listed in the question text above).
Response	

APPENDIX C – Authorized Agent Form

**FY 2009-10 Transit System Safety, Security and
Disaster Response Account Program**

AS THE _____
(Chief Executive Officer / Director / President / Secretary)

OF THE _____
(Name of State Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named state organization, any actions necessary for the purpose of obtaining state financial assistance provided by the California Emergency Management Agency.

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____.
(Name or Title of Authorized Agent)

Signed and approved this _____ *day of* _____, 20____

(Signature)

APPENDIX D – Governing Body Resolution

FY 2009-10 Transit System Safety, Security and Disaster Response Account Program Sample Resolution

BE IT RESOLVED BY THE _____
(Governing Body)

OF THE _____ *THAT*
(Name of Applicant)

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the California Emergency Management Agency.

Passed and approved this _____ day of _____, 20_____

Certification

I, _____, duly appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the
(Governing body) (Name of Applicant)

_____ day of, _____, 20_____ .

(Official Position)

(Signature)

(Date)

Governing Body Resolution Instructions

Purpose The purpose of the Governing Body Resolution is to inform the governing body of the intention to enter into the grant, document their understanding of the responsibilities of the grant and to appoint individuals to act on behalf of the governing body and the applicant.

Authorized Agent(s) The Governing Body Resolution allows for the appointment of individuals or positions. For each person or position appointed by the governing body, submit the following information, with the resolution, to the state on the applicant's letterhead:

- | | |
|---|--|
| <input type="checkbox"/> Recipient Agency | <input type="checkbox"/> Grant Program |
| <input type="checkbox"/> Name | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Title | <input type="checkbox"/> Fax Number |
| <input type="checkbox"/> Address | <input type="checkbox"/> Cell Phone Number |
| <input type="checkbox"/> City | <input type="checkbox"/> E-Mail Address |
| <input type="checkbox"/> Zip Code | |
-

Authorized Agent Changes If the Governing Body Resolution identifies authorized agents by position and/or title, changes can be made by submitting new authorized agent information to the state.

If the Governing Body Resolution identifies authorized agents by name, a new resolution is needed when any changes are made. The information listed above must also be submitted with the new Resolution.

APPENDIX E – Grant Assurances

FY 2009-10 Transit System Safety, Security and Disaster Response Account Program

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (____) _____

Fax Number: (____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Emergency Management Agency (Cal EMA).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the State of California generally and Cal EMA in particular, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or Cal EMA directives.
4. Will provide progress reports and such other information as may be required by Cal EMA.
5. Will initiate and complete the work within the applicable time frame after receipt of Cal EMA approval.
6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply with all California and federal statutes relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - j. Title 28, CFR, Part 35;
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
9. Will comply with applicable environmental standards which may be prescribed pursuant to California or federal law. These may include, but are not limited to, the following:
 - a. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Sections 15000-15007;
 - b. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - c. notification of violating facilities pursuant to EO 11738;
 - d. protection of wetlands pursuant to EO 11990;
 - e. evaluation of flood hazards in floodplains in accordance with EO 11988;

- f. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - g. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - h. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - i. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
- 10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et. seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 11. Will assist Cal EMA, as appropriate, in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §§ 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq).
- 12. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Gov Code §§ 8607 et seq. and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
- 13. Will:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by Cal EMA;
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
 - c. Separately account for interest earned on grant funds, and use all interest towards the project as approved by Cal EMA.
- 14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 15. Agrees that equipment acquired or obtained with grant funds:
 - a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
 - b. is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that strategy; and

- c. will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
16. Will comply, as applicable, with provisions of Title 28 of the Code of Federal Regulations applicable to grants and cooperative agreements, including:
- a. Part 18, Administrative Review Procedures;
 - b. Part 20, Criminal Justice Information Systems;
 - c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
 - d. Part 23, Criminal Intelligence Systems Operating Policies;
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
 - g. Part 38, Equal Treatment of Faith-based Organizations;
 - h. Part 63, Floodplain Management and Wetland Protection Procedures;
 - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
 - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
 - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs;
 - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
 - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement).
 - n. Part 69, New Restrictions on Lobbying;
 - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and
 - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).
17. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
18. Will, in the event that a federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to Cal EMA.
19. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide at:
<http://www.ojp.usdoj.gov/financialguide>.
20. Will comply with all applicable requirements of all other California and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

21. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

a. The applicant certifies that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

b. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

**FY 2009-10 Transit System Safety, Security and
Disaster Response Account Program**

Date:

Grant Number:

FIPS Number:

Recipient Agency:

Project Name:

Performance Period:

Notification of Grant Award Date:

Anticipated Completion Date:

Milestones - Insert milestones from grant award letter - detail progress made toward meeting milestone.

1)

2)

3)

4)

5)

Signature of Authorized Agent

Date

Name:

Title:

Phone:

Email:

Additional Required Documents

- An updated inventory ledger and project roster that reflects any changes during the performance period.
- A spreadsheet showing expenditures to date.
- Financial statement showing account activity and accrued interest.